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Subject: Case No. 4:20-cv-01802: July 2020 Prelim. Injunction Hrg
Date: Saturday, October 9, 2021 12:29:20 AM

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Dear Judge Hanks,

We hope this email finds you well. It has come to our attention that some of our clients communicated with each other during last year's virtual preliminary injunction hearing, including during portions of their testimony. As you'll recall, during the hearing attorneys for both parties expressed concerns about witnesses receiving communications while testifying. We were previously unaware that some of our clients had communicated during portions of their testimony, and I disagreed on the record with Mr. Brandt's suggestion during KB's testimony that such communications were occurring. See 7/22/20 Tr. 86:17-23. Now that we know, and particularly given my statement at the hearing, we wanted to make sure to bring this matter to your attention (we've already discussed this with opposing counsel). Although only portions of the text message chains we discovered that reflect these communications are responsive to BHISD's requests for production, in the spirit of transparency and with our clients' permission, we disclosed to BHISD the entirety of the text messages among the clients that were communicating during their testimony.

Our clients have confirmed that none of these communications resulted in any false testimony concerning their allegations in this case. Our clients now understand that such communications while a witness is testifying are nonetheless improper, and they apologize for having had such communications during the hearing. We would be happy to answer any questions you may have at a status conference if you wish.

Warm regards,
Micheale

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